

AN ORDINANCE 99254

ADOPTING THE 13TH YEAR HOME PARTNERSHIP ENTITLEMENT GRANT (HOME) IN THE AMOUNT OF \$7,315,294.00, \$335,700.00 IN FISCAL YEAR 2003-2004 AMERICAN DREAM DOWNPAYMENT INITIATIVE, AND \$396,135.00 IN FISCAL YEAR 2004-2005 AMERICAN DREAM DOWNPAYMENT INITIATIVE AND \$100,471.93 IN REPROGRAMMED FUNDS, AS CONTAINED IN THE FISCAL YEAR 2004-2005 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE CLOSE-OUT AND CANCELLATION OF PROJECTS AND THE CREATION AND/OR MODIFICATION OF PROJECT BUDGETS; AUTHORIZING THE FISCAL YEAR 2004-2005 HOME PARTNERSHIP ENTITLEMENT GRANT (HOME) PROGRAM; DESIGNATING THE 13TH YEAR HOME PROGRAM FUNDS; APPROPRIATING 13TH YEAR PROGRAM FUNDS; ALLOCATING PROGRAM FUNDS TO PROJECTS; ESTABLISHING ACCOUNTS; DELINEATING PROGRAM RESPONSIBILITIES; AUTHORIZING PERSONNEL CLASSIFICATIONS AND PAY RANGES; AUTHORIZING THE EXECUTION AND SUBMISSION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY IN CONNECTION THEREWITH; AUTHORIZING THE APPROPRIATION AND ALLOCATION OF SAID FUNDS TO SAID PROJECTS; AND PROVIDING FOR PAYMENT; AUTHORIZING EXECUTION OF ALL REQUIRED CONTRACTS AND RELATED DOCUMENTS IN CONNECTION WITH SAID 13TH YEAR HOME PROGRAM, AND THE PROJECTS THEREUNDER; AND AUTHORIZING THE SUBMISSION OF THE HOME GRANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR FISCAL YEAR 2004-2005 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATION AND OTHER INFORMATION AS REQUIRED TO HUD.

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WHEREAS, the U.S. Department of Housing and Urban Development (HUD), pursuant to the Housing and Community Development Act of 1974, as amended (Public Law 93-383), provides cities with annual grant support to enable the rehabilitation and development of affordable housing in their urban communities so as to improve conditions for low and moderate income citizens; and

WHEREAS, the City of San Antonio, through its HOME Entitlement Grant (HOME) Program, has administered HOME grant funds annually beginning with fiscal year 1992-1993 (Year 1) and continuing through fiscal year 2003-2004 (Year 12); and

WHEREAS, pending completion of all required administrative procedures required for official HUD release of funds, fiscal year 2004-2005 HOME Entitlement funds in the amount of \$7,315,294.00, \$335,700.00 in Fiscal Year 2003-2004 American Dream Downpayment

Initiative, \$396,135.00 in Fiscal Year 2004-2005 American Dream Downpayment Initiative and \$100,471.93 in reprogrammed funds will become available to the City; and

WHEREAS, as required by federal regulation, the Fiscal Year 2004-2005 Consolidated Plan Annual Budget was prepared, encompassing grant funds of the 30th Year CDBG, 13th Year HOME, 10th Year Emergency Shelter Grant and the 10th Year Housing Opportunities for Persons with AIDS Grant; and

WHEREAS, citizen recommendations regarding the allocation of the aforesaid grant funds have heretofore been received at neighborhood and city-wide meetings and at public hearings, notices of which were duly posted; and

WHEREAS, pursuant to applicable HUD regulations designed to ensure adequate citizen input, a public hearing is required in this instance; and

WHEREAS, the required notice having been duly published, and said public hearing having been held before City Council on May 27, 2004, it is now the desire of the City, having considered the aforesaid citizen recommendations, to approve the HOME Budget as part of the Fiscal Year 2004-2005 Consolidated Plan Annual Budget and to fund the 13th Year HOME Program on the City's books; and

WHEREAS, in the administration of the HOME Investment Partnership Grant (HOME), funds available in previously-appropriated projects and program income may be retained by grantees for reprogramming to provide supplementation to existing projects and/or funding in support of new programs; and

WHEREAS, the City is a HOME fund grantee; and

WHEREAS, in connection with the current HOME Program, the sum of \$100,471.93 is currently available in HOME funds for said reprogramming; and

WHEREAS, pursuant to applicable HUD regulations, statutory requirements and/or City Council policy designed to ensure adequate citizen input, a public hearing is required prior to any reprogramming of or modification to HOME funds and projects, and prior to the adoption of activities under the City's Community Development Program; and

WHEREAS, the required notice was duly published, and said public hearing was held before City Council on May 27, 2004; and

WHEREAS, The Park at Babcock Apartments project (the "Project") is proposed to be a 250-unit multi-family dwelling complex, located at the 1300 block of Babcock, San Antonio, Texas; and

WHEREAS, the Project is located within one (1) linear mile or less from a development that has received an allocation of housing tax credits for new construction during the three-year period preceding the date the application round began; and

WHEREAS, the developer of the Project has prepared an application to the State of Texas for Low-Income Housing Tax Credits to receive assistance in financing the Project; and

WHEREAS, Tax Credit or Bond projects must meet certain criteria required by the Texas Department of Housing and Community Affairs; and

WHEREAS, the State of Texas has a policy against funding low-income developments within one (1) linear mile or less of an existing development that has received an allocation of housing tax credits for new construction during the three-year period preceding the date the application round began; and

WHEREAS, the Texas Department of Housing and Community Affairs requires City Council allowance of the construction of a new development within one (1) linear mile or less of an existing development that has received an allocation of housing tax credits for new construction during the three-year period preceding the date the application round begins; and

WHEREAS, it is now the desire of the City to allow the construction and development of the Project; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The HOME Program Budget of the Fiscal Year 2004-2005 Consolidated Plan Annual Budget is hereby approved and adopted as set forth therein, copies of which are affixed hereto and incorporated by reference herein as Attachment I.

SECTION 2. The City Manager, or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Housing and Community Development Director is hereby authorized to submit to HUD those documents set forth herein as Attachment I, with certifications, as well as such other information as required by the U.S. Department of Housing and Urban Development (HUD) for award of the aforesaid entitlement funds.

SECTION 3. Subject to and upon award of the aforesaid grant funds, the City Manager, or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Housing and Community Development Director is hereby authorized to accept same and to execute any and all documents required by HUD in connection therewith.

SECTION 4. The Thirteenth (13th) Year HOME Entitlement Block Grant (HOME) Program beginning October 1, 2004 and terminating September 30, 2005 is hereby authorized.

SECTION 5. Fund No. 25-013000 entitled, "HOME ENTITLEMENT BLOCK GRANT THIRTEENTH YEAR" is hereby designated for use in accounting for the above-stated grant and the sum of \$8,147,600.93 is hereby appropriated in said fund for allocations to projects as set out in the detailed budget affixed hereto and incorporated herein for all purposes as Attachment I.

SECTION 6. All projects in HOME Entitlement Program Funds for the 12th year with completed scopes of work are hereby closed and unexpended grant monies and program income in said funds are hereby authorized to be retained by the City in the Unallocated Contingency account for future reprogramming action.

SECTION 7. The City Manager, or in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager, or the Director of Housing and Community Development is hereby authorized and directed to carry out the administration of the Thirteenth (13th) Year HOME Program. Such administration shall include, but not be limited to, the execution of any and all contracts and other documents necessary in connection with the 13th Year HOME Program and the reaffirmation of any and all assurances required of the City by HUD.

SECTION 8. The Director of Housing and Community Development is hereby designated the Program Manager for the HOME Program. Further program responsibilities shall be as follows:

- (a) The Department of Housing and Community Development shall administer and monitor all HOME program and fiscal activities and requests;
- (b) The Human Resources Department shall monitor all projects and sub-agencies as necessary for compliance with all equal employment opportunity rules, regulations, policies and laws;
- (c) The Department of Economic Development shall monitor all projects and sub-agencies as necessary for compliance with local, state and federal MBE-WBE rules, regulations, policies and laws;
- (d) The Community Initiatives Department shall monitor, where applicable, fair housing compliance and shall administer the handling and resolution of complaints related thereto;
- (e) The Office of the City Auditor shall accomplish fiscal and program compliance audits of the sub-grantee agencies in the HOME program in compliance with OMB A-133, and in coordination with the City's annual independent audit; and
- (f) The City Attorney's Office shall provide legal services including, but not limited to, contract and loan development and review and the preparation of legal opinions to resolve questions of regulatory application associated with the development and administration of HUD programs administered by the City's Department of Housing and Community Development.

SECTION 9. The personnel classifications and pay ranges set forth in Attachment II affixed hereto and incorporated herein for all purposes are hereby authorized for carrying out aspects of the approved 13th Year HOME Program.

SECTION 10. The Finance Department is hereby authorized and directed in its payments to other agencies to follow drawdown procedures established by both the City of San Antonio and HUD, whereby HOME funds shall be drawn down prior to other funds in the case of multi-funded projects where not in conflict with other federal requirements. The Finance Department is further directed to ensure that prior to processing any and all fiscal requests related to Fund 25-HOME accounts, each such request has received prior compliance review and approval by the Director of Housing and Community Development, or his designated representative, and such review and approval has been indicated by their signatures or initials affixed to said fiscal requests.

SECTION 11. The City Manager, or in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager, or the Director of Housing and Community Development is hereby directed to monitor all HOME-funded project activities so as to assure compliance with goals and objectives adopted by City Council; substantial fiscal or programmatic changes thereto shall in all cases be approved by City Council.

SECTION 12. The City Manager, or in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager, or the Director of Housing and Community Development is hereby given authority to approve the 13th Year HOME Program Administrative budget for the City's Department of Housing and Community Development and Center on Independent Living with each total budget not to exceed that set forth pursuant to Attachment I affixed hereto.

SECTION 13. The San Antonio Neighborhood Housing Services (NHS) [CHDO] is hereby authorized to establish the HOME Revolving Loan Fund for its HOME-funded housing programs, and loan repayments and interest, designated as program income, are hereby authorized to be deposited in 2004-2005 in said Revolving Loan Fund. Funds therein shall be used for additional loans in compliance with the NHS HOME housing programs, as incorporated in the HOME Policy Guide and as approved by the City. San Antonio NHS shall report program income revenues and expenditures to be received by the Housing and Community Development staff by no later than the tenth (10th) calendar day of each month. In compliance with HUD regulations, the Finance Department, upon receipt of the revenue and expenditure reports, is hereby authorized to incorporate the program income in Index No. 071159, and to appropriate said amounts to HOME Project No. 25-013501, entitled "NHS REVOLVING LOAN ACCOUNT."

SECTION 14. The Neighborhood Action Department is hereby authorized to establish a HOME Revolving Loan Fund for its HOME-funded Owner-Occupied Rehabilitation and Reconstruction, Home Ownership Incentive Program (HIP), and Rental Rehabilitation Programs, and loan repayments and interest, designated as program income, are hereby authorized to be deposited in 2004-2005 in said Revolving Loan Fund. Funds therein shall be

used for additional loans in compliance with the Neighborhood Action Department housing programs, as incorporated in the HOME Policy Guide and as approved by the City. The Neighborhood Action Department shall report program income revenues and expenditures to be received to the Housing and Community Development staff by no later than the tenth (10th) calendar day of each month. In compliance with HUD regulations, the Finance Department, upon receipt of the revenue and expenditure reports, is hereby authorized to incorporate the program income in Index No. 071613 and to appropriate said amounts to HOME Project No. 25-013502, entitled "NEIGHBORHOOD ACTION REVOLVING LOAN ACCOUNT."

SECTION 15. The Housing and Community Development Director is hereby authorized to execute any and all agreements with sub-recipient and/or City departments for each project delineated in Attachment I. Further, the Director of the Neighborhood Action Department is hereby authorized to execute any and all loan documents in connection with the Homeownership Incentive Program, Owner-Occupied Housing Rehabilitation, Rental Rehabilitation and housing revitalization projects delineated in Attachment I. Sub-recipient contracts and project loan documents are hereby required to contain acceptable detailed performance indicators for each project and the information for such contracts and loan documents must be finalized by no later than November 1, 2004 in order to facilitate their execution. The Directors of the Housing and Community Development and Finance Departments are hereby authorized to cancel and move the full budget allocation provided to any project for which acceptable required loan document information or performance indicators are not provided, or for which information for contract/loan document execution has not been received by the appropriate City department by November 1, 2004, to the HOME Contingency Account in preparation for timely reprogramming to other eligible activities. Additionally, the Housing and Community Development Director is hereby authorized to cancel any project activity set-up in the HUD IDIS system for which no activity is evidenced for a forty-five (45) day period.

SECTION 16. The Director of Housing and Community Development is hereby authorized to cancel and reprogram any and all budget allocations provided to any project, in the event, any sub-recipient contract and/or interdepartmental agreement is not executed by January 1, 2005.

SECTION 17. The Deputy City Manager, all Assistant City Managers, Assistants to the City Manager, and the Housing and Community Development Director are hereby designated and authorized as representatives of the City Manager for the purpose of HOME program administration and communication with HUD.

SECTION 18. The City Manager, or in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Housing and Community Development Director is hereby authorized to approve budget adjustments within project allocations to conform with actual expenditures if line item cost overruns occur or are anticipated.

SECTION 19. The City Manager, or in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Housing and Community Development Director is hereby authorized to complete all documents required by HUD to officially close projects and program financial records following completion of the contracted scope-of-work.

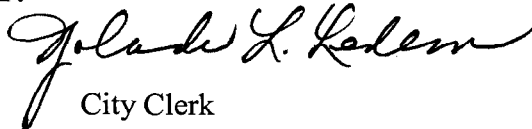
SECTION 20. The City of San Antonio hereby allows the construction and development of the Park at Babcock Apartments Project.

SECTION 21. This ordinance shall be effective on the 6th day of June, 2004.


PASSED AND APPROVED this 27th day of May, 2004


for M A Y O R

ATTEST:


City Clerk

APPROVED AS TO FORM


for City Attorney

**The following is
Item 7B(2) which
is severed
Ordinance No.
99255**

AN ORDINANCE 99255

AUTHORIZING THE ESTABLISHMENT OF A REVOLVING LOAN ACCOUNT FOR SAN ANTONIO ALTERNATIVE HOUSING CORPORATION (SAAHC); AUTHORIZING THE REPROGRAMMING OF HOME PARTNERSHIP ENTITLEMENT GRANT (HOME) FUNDS IN THE AMOUNT OF \$100,471.93 AVAILABLE FROM THE SAN ANTONIO HOUSING TRUST NEIGHBORHOOD REVITALIZATION FUND; AUTHORIZING 13TH YEAR HOME FUNDS IN THE AMOUNT OF \$407,998.67 AVAILABLE FROM COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) SET-ASIDE AND THE FOREGOING AMOUNT OF \$100,471.93 IN REPROGRAMMED FUNDS AVAILABLE FROM SAN ANTONIO HOUSING TRUST NEIGHBORHOOD REVITALIZATION FUND AND FISCAL YEAR 2003-2004 AMERICAN DREAM DOWNPAYMENT INITIATIVE FUNDS IN THE AMOUNT OF \$190,000.00 FOR A TOTAL AMOUNT OF \$698,470.60 PAYABLE TO SAN ANTONIO ALTERNATIVE HOUSING CORPORATION PEOPLE HELPING PEOPLE PROJECT; AUTHORIZING THE CLOSE-OUT AND CANCELLATION OF THE AFFECTED PROJECTS AND THE CREATION AND/OR MODIFICATION OF THE APPROPRIATE PROJECT BUDGETS; AUTHORIZING THE EXECUTION AND SUBMISSION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY IN CONNECTION THEREWITH; AUTHORIZING THE APPROPRIATION AND ALLOCATION OF SAID FUNDS TO SAID PROJECT; AND PROVIDING FOR PAYMENT.

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WHEREAS, the U.S. Department of Housing and Urban Development (HUD), pursuant to the Housing and Community Development Act of 1974, as amended (Public Law 93-383), provides cities with annual grant support to enable the rehabilitation and development of affordable housing in their urban communities so as to improve conditions for low and moderate income citizens; and

WHEREAS, pending completion of all required administrative procedures required for official HUD release of funds, fiscal year 2004-2005 HOME Entitlement funds will become available to the City; and

WHEREAS, \$698,470.60 of fiscal year 2004-2005 HOME Entitlement funds are available from the San Antonio Housing Trust Neighborhood Revitalization Fund in reprogrammed funds in the amount of \$100,471.93, the Community Housing Neighborhood Organization (CHDO) Set-Aside in the amount of \$407,998.67 and the 2003-2004 American Dream Downpayment Initiative Funds in the amount of \$190,000.00; and

WHEREAS, citizen recommendations regarding the allocation of the aforesaid grant funds have heretofore been received at neighborhood and city-wide meetings and at public hearings, notices of which were duly posted; and

WHEREAS, in the administration of the HOME Partnership Entitlement Grant (HOME) Program, funds available in previously-appropriated projects and program income may be retained by grantees for reprogramming to provide supplementation to existing projects and/or funding in support of new programs; and

WHEREAS, the City is a HOME fund grantee; and

WHEREAS, in connection with the current HOME Program, the sum of \$100,471.93 is currently available in HOME funds for said reprogramming and allocation; and

WHEREAS, pursuant to applicable HUD regulations, statutory requirements and/or City Council policy designed to ensure citizen input, a public hearing is required prior to any reprogramming of or modification to HOME funds and projects, respectively and prior to the adoption of activities under the City's Community Development Program; and

WHEREAS, the required notice having been duly published, and said public hearing having been held before City Council on May 27, 2004, it is now the desire of the City, having considered the aforesaid citizen recommendations, to approve the allocation to San Antonio Alternative Housing Corporation People Helping People Project in the total amount of \$698,470.60 as part of the HOME Budget for the Fiscal Year 2004-2005 Consolidated Plan Annual Budget and to fund said allocation in the 13th Year HOME Program on the City's books;
NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The HOME Program Budget allocation of \$698,470.60, available from the 2003-2004 American Dream Downpayment Initiative in the amount of \$190,000.00, from the Community Housing Development Organization (CHDO) in the amount of \$407,998.67, and from reprogrammed funds available from the San Antonio Housing Trust Neighborhood Revitalization Fund in the amount of \$100,471.93 payable to San Antonio Alternative Housing Corporation People Helping People Project as part of the Fiscal Year 2004-2005 Consolidated Plan Annual Budget is hereby approved and adopted as set forth therein, copies of which are affixed hereto and incorporated by reference herein as Attachment I.

SECTION 2. Revisions to HOME Partnership Entitlement Grant (HOME) projects and the modifications to the budgets and reprogramming in support thereof in the amount of \$100,471.93 from the San Antonio Housing Trust Neighborhood Revitalization Fund to fund San Antonio Alternative Housing Corporation People Helping People Project, are hereby approved in accordance with the budget revision schedule affixed hereto and incorporated by reference herein for all purposes as Attachment I. Said funds are hereby authorized to be reprogrammed to cover existing project shortfalls, modifications and/or the creation of new HOME projects in

accordance with Attachment I, specifically, for the funding of the San Antonio Alternative Housing Corporation People Helping People Project.

SECTION 3. Transfer of funds, expenditures and encumbrances necessitated and scheduled pursuant to the aforesaid Attachment I is hereby authorized for entry into the budgets as therein described.

SECTION 4. The Director of the City's Finance Department is hereby authorized to effect on the books of the City the cancellations, revisions and reprogramming in support thereof, set forth in Attachment I. The City Manager, or in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager, or City's Director of Housing and Community Development is hereby authorized to execute any and all contracts and other documents as necessary for: (a) implementation of the reductions, revisions and reprogramming set forth in Attachment I; and (b) compliance with HUD rules, regulations and procedures, and to submit all certifications and such other information to and as required by HUD.

SECTION 5. The City Manager, or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Housing and Community Development Director is hereby authorized to submit to HUD those documents set forth herein as Attachment I, with certifications, as well as such other information as required by the U.S. Department of Housing and Urban Development (HUD) for award of the aforesaid entitlement funds.

SECTION 6. Subject to and upon award of the aforesaid grant funds, the City Manager, or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Housing and Community Development Director is hereby authorized to accept same and to execute any and all documents required by HUD in connection therewith.

SECTION 7. Fund No. 25013000 entitled, "HOME ENTITLEMENT BLOCK GRANT THIRTEENTH YEAR" is hereby designated for use in accounting for the above-stated grant and the sum of \$698,470.60 is hereby appropriated in said fund for allocations to projects as set out in accordance with Attachment I.

SECTION 8. The City Manager, or in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager, or the Director of Housing and Community Development is hereby authorized to execute any and all contracts and other documents necessary in connection with said allocation.

SECTION 9. The City Manager, or in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager, or the Director of Housing and Community Development is hereby directed to monitor said HOME-funded project activities so as to assure compliance with goals and objectives adopted by City Council; substantial fiscal or programmatic changes thereto shall in all cases be approved by City Council.



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SECTION 10. The San Antonio Alternative Housing Corporation (SAAHC) [CHDO] is hereby authorized to establish the HOME Revolving Loan Fund for its HOME-funded housing programs, and loan repayments and interest, designated as program income, are hereby authorized to be deposited in 2004-2005 in said Revolving Loan Fund. Funds therein shall be used for additional loans in compliance with the SAAHC HOME housing programs, as incorporated in the HOME Policy Guide and as approved by the City. The San Antonio Alternative Housing Corporation shall report program income revenues and expenditures to be received by the Housing and Community Development staff by no later than the tenth calendar day of each month. In compliance with HUD regulations, the Finance Department, upon receipt of the revenue and expenditure reports, is hereby authorized to incorporate the program income in Index No. 071613, and to appropriate said amounts to HOME Project No. 25-013502, entitled "SAAHC REVOLVING ACCOUNT."

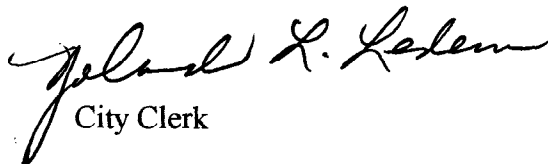
SECTION 11. The City Manager, or in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Housing and Community Development Director is hereby authorized to approve budget adjustments within project allocations to conform with actual expenditures if line item cost overruns occur or are anticipated.


SECTION 12. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or City Manager's Designee, correct allocations to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 13. This ordinance shall be effective on the 6th day of June, 2004.

PASSED AND APPROVED this 27th day of May, 2004

MAYOR
 EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM 
City Attorney